

Remarks/Arguments

Claims 25-27, as amended, are pending in the application for the Examiner's review and consideration. Claims 1-24 have been canceled without prejudice. The right to prosecute the subject matter of any of canceled claims 1-24 in this or in a continuation, continuation-in-part, or divisional application is hereby expressly reserved.

Claim 25 has been amended to recite the process steps for preparing the composition. These amendments are supported, for example, at page 3, paragraph 28 and page 5, paragraph 47 of the published specification. Claim 25 has also been amended to recite that "10% to 50%" of the ascorbic acid is dissolved in water at a temperature of between about 60°C to about 90°C to provide an aqueous ascorbic acid solution of at least 20% (w/v). This amendment is supported, for example, at page 4, paragraph 36 of the published specification. Claim 26 has been amended for clarity. Claim 27 has been amended to depend from claim 25. This amendment is supported, for example, at page 4, paragraph 34, of the published specification. No new matter has been added to the claims by these amendments.

Claims 25, 26, and 27 stand rejected under 35 U.S.C. § 112, first paragraph as allegedly lacking written description for the phrase "at least 10% of the ascorbic acid is present in a concentrated ascorbic acid solution" because, according to the Office, the concentrated ascorbic acid solution is subsequently mixed with additional water to form the recited composition, and, therefore is no longer in a concentrated form. Office Action, pp. 2-3. Claims 25, 26, and 27 also stand rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite on similar grounds. *Id.* In response, the claims have been amended to recite the concentrated ascorbic acid solution as part of the process to prepare the composition, rather than as a component of the composition. Accordingly, it is believed that these §112 rejections have been overcome, and should be withdrawn.

Claims 25, 26, and 27 also stand rejected for non-statutory obviousness-type double patenting over (i) claim 7 of U.S. Patent No. 6,217,914 in view of U.S. Patent No. 2,517,276 to Bassford, et al., U.S. Patent No. 5,972,993 to Pchelintsev, and EP 0 771 557; and (ii) claims 6, 14, and 20 of U.S. Patent No. 6,444,699 in view of I. Setnikar et al., "Antireactive properties of glucosamine sulfate," *Arzneim.-Forsch./Drug Res.* 41(I): 157-161 (1991). Submitted herewith are Terminal Disclaimers over U.S. Patent Nos. 6,217,914 and 6,444,699 solely to advance

prosecution of the application. The filing of the Terminal Disclaimers obviates the obviousness-type double patenting rejections, and, therefore, the rejections should be withdrawn.

In view of the foregoing amendments and remarks, it is respectfully submitted that the claims are in condition for allowance. Early and favorable action by the Examiner is earnestly solicited. If any outstanding issues remain, the Examiner is invited to contact the undersigned at (212) 497-7731 to discuss the same.

No fee is believed to be due for the submission of this response. Should any fees be required, please charge all such fees to Wilson, Sonsini, Goodrich & Rosati Deposit Account No. 23-2415 (36091-701.501).

Respectfully submitted,

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